

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.75 OF 2007

Vishwakarma M. Mewalal. ..Petitioner.
Vs.
M/s. Sonam Builders and ors. ..Respondents.
Mr.P.D.Sawardekar for the Petitioner.
Mr.R.D.Suryawanshi for the Respondent Nos.2 to 4.
Mrs. M. H. Mhatre, APP. for the State.

**CORAM : R.S. MOHITE, J.
DATED : 20th November, 2007.**

P.C.

1. Heard both sides.

2. This petition impugns an order refusing to frame charge under Section-420 of the Indian Penal Code. The petitioner who is the original complainant agreed to purchase a shop from the firm of accused Nos. 2 to 4 in the year 1995. In the evidence before charge on behalf of the accused it has been elicited in the cross examination of the complainant that the accused Nos. 2 to 4, in fact, joined the partnership firm i.e. respondent No.1 on 1.11.1997. There therefore, could not have been any false representation made at the initial stage. In the circumstances, the charge under Section-420 is thus correctly not framed against the accused persons. Hence, writ petition is rejected.

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(R. S. MOHITE, J.)